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REMARKS

Claims 6, 7, 9-12, 14 and 15 remain in the application.

Claims 8, 13, 16 and 17 are withdrawn.

Claims 11 and 14 have been amended to more clearly define applicant's invention and to patentably distinguish over the cited art. Claims 11 and 14 have also been amended to employ consistent language overcoming the objection raised in para. 3 of the Office Action.

The remaining claims have been amended to employ language consistent with the language now employed in amended claims 11 and 14.

The examiner is respectfully requested to reconsider the rejection of independent claims 11 and 14 under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Warnock.

Amended claim 11 calls for the bottom member of the caster to have an upwardly directed stub shaft. Martin does not have a stub shaft. Instead, Martin has an elongate shaft member with a cylindrical portion 'h' from which a long rod or shaft portion 'i' extends upwardly. Because of the elongation of the shaft member it cannot be considered a stub shaft. A stub shaft can be defined as one having a length no longer than its diameter. The elongated shaft member of Martin is not a stub shaft. The examiner cannot ignore the rod portion 'i' of the elongated shaft member-it is needed to both keep the top and bottom members together and to allow the caster to be mounted in a furniture leg. The cylindrical portion 'h' and rod portion 'i' form an elongated shaft member similar to a kingpin which is the type of caster construction applicant wishes to avoid. Claim 11 now also calls for the first bearing means to be solely in the form of a single bearing unit to be mounted in one of the bore or counterbore formed in the top member. There is no sole, single, bearing unit in the Martin patent forming a bearing means. Both of the bearing means in Martin comprises a plurality of individual balls. Claim 11 also calls for the second bearing means to have an

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annular raceway with one half of the raceway formed in the other of the bore and counterbore in the top member. Martin shows no annular raceway with one half of the raceway formed in the other of the bore or counterbore. From the above it will be seen that there are three features in claim 11 that are not shown by Martin.

The examiner states that it would be obvious to use the raceway for the balls 10 from the Warnock patent for the balls 'c' in the Martin patent and arrive at applicant's construction. It is respectfully submitted that such a modification is not at all obvious. In the first place, it is not obvious to use a raceway that is split along a vertical line between the top and bottom caster members in Martin. Such a raceway is used in Warnock to keep the top and bottom caster members together and avoid the use of a kingpin. Martin has no need for such an arrangement. Martin needs the kingpin arrangement to mount the caster on a furniture leg and uses the kingpin arrangement to keep the top and bottom members together with the aid of a pin 'j'. Even if it were obvious to use the raceway for the balls 10 shown in Warnock in the Martin patent, Warnock teaches that the raceway is used with the bottom bearing means which bearing means alleviates side thrust. Warnock does not teach that the raceway can be used with the upper bearing means in Martin, which is a thrust bearing, as the examiner suggests. It would simply not be obvious to convert the main thrust bearing 'c' in Martin to a side thrust bearing by using a split raceway. Martin, using a king-pin like construction, does not need a side thrust bearing. Further, even if it were obvious to mount the main thrust bearing 'c' in Martin in a raceway as taught by the raceway used with balls 10 in Warnock, Martin would not still not show applicant's use of a single bearing unit as the thrust bearing. Both bearing means in Martin act as thrust bearings and both bearing means comprise a plurality of bearing units (the individual balls). Applicant's device, in using a single bearing unit, is so much simpler and easier to assemble than

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the Martin device whether or not it is modified by the Warnock device.

The examiner has rejected claim 12 for calling for the single bearing unit to be 'press-fit' mounted. The examiner objects to the term 'press-fit' as being a method limitation and further states that the balls in Martin are 'press-fit' mounted. The term 'press-fit' is a structural limitation in the claim and not a method step. To say that something is 'press-fit' mounted is to say that it is mounted just tight enough to be held in place by friction. To obtain this tight friction fit, the outer diameter of the bearing unit must be slightly greater than the diameter of the counterbore. It is suggested that the examiner confirm this definition by looking up the term in a mechanical engineering dictionary. (At the same time the examiner might want to check the definition of a "stub shaft") Because of the dimensional requirements, the term 'press-fit' mounted is a structural limitation pure and simple. Also, by the definition of 'press-fit', the balls in Martin are not 'press-fit' mounted as the examiner states. If they were, the caster unit simply would not work as desired. The balls must be free to roll and not frictionally held in place if one caster member is to turn with respect to the other caster member.

The same arguments for the patentability of claim 11 apply to the patentability of claim 14. The remaining claims, dependent on claims 11 and 14, are believed to be patentable for the same reasons that claims 11 and 14 are patentable.

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